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*Counsel for Plaintiffs*

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

MATTHEW ELVEY, an individual, and  
GADGETWIZ, INC., an Arizona  
corporation, on their own behalf and on  
behalf of all others similarly situated,

Plaintiffs

v.

TD AMERITRADE, INC., a New York  
corporation, and DOES 1 to 100,

Defendants.

Case No. C 07 2852 MJJ

**STIPULATED ~~PROPOSED~~ ORDER  
CONTINUING CASE MANAGEMENT  
CONFERENCE**

Judge: Martin J. Jenkins

**GROUND**

1. Plaintiffs Matthew Elvey and Gadgetwiz.com filed a First Amended Complaint against Defendant TD Ameritrade, Inc. (“TD Ameritrade”), on June 28, 2007, and Motion for Preliminary Injunction on July 10, 2007. TD Ameritrade filed a Motion to Dismiss the Plaintiffs’ First Amended Complaint on July 18, 2007.



1 Dated: November 27, 2007

2 By: /s/ Lee H. Rubin

3 Lee H. Rubin  
4 Mayer Brown LLP  
5 Two Palo Alto Square  
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7 Palo Alto, California 94306

8 Counsel for Defendant  
9 TD AMERITRADE, Inc.

10 *Filer's Attestation: Pursuant to General Order No. 45, I, Lee Rubin, attest that I obtained*  
11 *concurrence in the filing of this document from the other signatory.*

12 PURSUANT TO STIPULATION, IT IS SO ORDERED.

13 IT IS SO ORDERED.

14 Date: 11/27/07

15 By: \_\_\_\_\_

16 THE HONORABLE MARTIN J. JENKINS  
17 UNITED STATES DISTRICT COURT JUDGE

